Executive Summary – Enforcement Matter – Case No. 43718 MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart RN101630267

Docket No. 2012-0535-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Circle M Food Mart, 3401 Saint Francis Avenue, Dallas, Dallas County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 17, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,386

Amount Deferred for Expedited Settlement: \$2,077 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$259 **Total Due to General Revenue:** \$8,050

Payment Plan: 35 payments of \$230 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 43718 MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart RN101630267 Docket No. 2012-0535-PST-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 1, 2011 and February 28, 2012

Date(s) of NOE(s): February 28, 2012

Violation Information

- 1. Failed to renew a delivery certificate by submitting a properly completed underground storage tank ("UST") registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on May 31, 2011 [30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received two fuel deliveries without a delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to provide proper corrosion protection for the UST system. Specifically, the rectifier was not functioning [30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)].
- 4. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs [30 Tex. Admin. Code § 37.815(a) and (b)].
- 5. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel [30 Tex. Admin. Code § 334.10(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately:
- i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form; and

Executive Summary – Enforcement Matter – Case No. 43718 MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart RN101630267

Docket No. 2012-0535-PST-E

- ii. Begin maintaining all UST records and ensure that they are made immediately available upon request by agency personnel.
- b. Within 30 days:
- i. Repair or replace the rectifier system and test the corrosion protection system; and
- ii. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs.
- c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Van Landingham, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5717; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

TCEQ SEP Coordinator: N/A

Respondent: Khurram A. Sharif, Owner, Circle M Food Mart, 3401 Saint Francis

Avenue, Dallas, Texas 75228 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 5-Mar-2012 7-Mar-2012 Screening 6-Mar-2012 EPA Due PCW RESPONDENT/FACILITY INFORMATION Respondent MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart Reg. Ent. Ref. No. RN101630267 Major/Minor Source Minor Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION No. of Violations 5 Enf./Case ID No. 43718 Order Type 1660 Docket No. 2012-0535-PST-E Government/Non-Profit No Media Program(s) Petroleum Storage Tank Enf. Coordinator Steven Van Landingham Multi-Media EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$7,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History \$1,500 20.0% Enhancement Subtotals 2, 3, & 7 Enhancement for one agreed order containing a denial of liability. Notes \$0 Subtotal 4 Culpability 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 Subtotal 6 0.0% Enhancement* **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$3,420 \$9,000 Final Subtotal **SUM OF SUBTOTALS 1-7** \$1,386 OTHER FACTORS AS JUSTICE MAY REQUIRE 15.4% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the avoided cost of compliance Notes associated with violation no. 4. \$10,386 Final Penalty Amount \$10,386 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$2,077 Adjustment 20.0% Reduction **DEFERRAL** Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Deferral offered for expedited settlement.

\$8,309

Notes

PAYABLE PENALTY

PCW Revision October 30, 2008

Screening Date 6-Mar-2012

Docket No. 2012-0535-PST-E

Respondent MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart Policy Revision 2 (September 2002)

Case ID No. 43718

Reg. Ent. Reference No. RN101630267

>>

>>

>>

Media [Statute] Petroleum Storage Tank Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	.	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	<u> </u>
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
0.00	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (Adjustment Pero	centage (Sub	total 2)
No	Adjustment Perc	centage (Sub	total 3)
pliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Pero	centage (Sub	total 7)
pliance Histo	ory Summary		
Compliance History Notes	Enhancement for one agreed order containing a denial of liability.		

Case ID No. Reg. Ent. Reference No. Media [Statute]	MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart 43718 RN101630267 Petroleum Storage Tank Steven Van Landingham	PCW Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Rule Cite(s) Violation Description	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii) Failed to renew a delivery certificate by submitting a properly compunderground storage tank ("UST") registration and self-certification form 30 days before the expiration date. Specifically, the delivery certificate of May 31, 2011.	m at least
>> Environmental, Proper Release OR Actual Potential >>Programmatic Matrix Falsification	Ey and Human Health Matrix Harm Major Moderate Minor Percent 0% Major Moderate Minor X Percent 10%	se Penalty \$10,000
Matrix Notes Violation Events	100% of the rule requirement was not met. Adjustment	\$9,000
Number of N mark only one with an x	daily weekly monthly quarterly semiannual annual single event	
Good Faith Efforts to Comp	One annual event is recommended. One annual event is recommended. One annual event is recommended. Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.	\$0
Economic Benefit (EB) for Estimate	Violation Statutory Limit d EB Amount \$7 Violation Final Pena This violation Final Assessed Penalty (adjusted fo	Test

		conomic	Benefit	WO	rksheet		
Respondent	MUREE VALLE	Y INTERNATIONAL	. INC dba Circle	M Foo	od Mart		1116
Case ID No.	43718						
lea. Ent. Reference No.	RN101630267	,					
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	[1	n ann aigh a cheann neach fiùir bha a bhaile aigh aig			A A A A A A A A A A A A A A A A A A A		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
		ang tabungan nengupakan sengan pesa			111211111111111111111111111111111111111	The Search and the extreme expression of the deleter of the	
Delayed Costs							
Equipment		T T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	l n/a l	\$0
		. السند نسند نسند الد					
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$100 Estimated co	31-May-2011 ost to renew a TCE	2-Oct-2012 Q delivery cert	0.00 1.34	\$0 \$7		\$0 \$7
Other (as needed) Notes for DELAYED costs	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate t s the do ated co	\$0 \$7 by submitting a pro- elivery certificate of compliance date.	n/a n/a operly completed US expiration date and	\$0 \$7 T registration the final date is
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to the do ated co	\$0 \$7 by submitting a pro- elivery certificate of compliance date.	n/a n/a operly completed US expiration date and of for one-time avoic	\$0 \$7 FT registration the final date is
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00	\$0 \$7 by submitting a pro- elivery certificate of compliance date. ing item (except to the second se	n/a n/a operly completed US expiration date and for one-time avoic \$0	\$0 \$7 FT registration the final date is led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	ficate to the deated comments of the deated c	\$0 \$7 by submitting a pro- elivery certificate of empliance date. Ing item (except 1 \$0 \$0	n/a n/a n/a operly completed US expiration date and for one-time avoid \$0 \$0	\$0 \$7 or registration the final date is led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	ficate to the deated coenterir	\$0 \$7 by submitting a pro- elivery certificate of empliance date. Ing item (except 1 \$0 \$0 \$0	n/a n/a operly completed US expiration date and of for one-time avoic \$0 \$0 \$0 \$0	\$0 \$7 T registration the final date is led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of bompliance date. ng item (except) \$0 \$0 \$0 \$0	n/a n/a n/a operly completed US expiration date and of for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of bompliance date. ng item (except of \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a operly completed US expiration date and of for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of bompliance date. ng item (except of \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 For registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 Fr registration the final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co and self-certif	ost to renew a TCE ication form. The	Q delivery cert date required i the estim	0.00 1.34 ficate to s the do ated co enterir 0.00 0.00 0.00 0.00 0.00	\$0 \$7 by submitting a pro- elivery certificate of the compliance date. mg item (except in the second seco	n/a n/a n/a operly completed US expiration date and of for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 Fr registration the final date is led costs) \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Respondent Case ID No.		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.		, on nonsion outobal so, ass
	Petroleum Storage Tank	
	Steven Van Landingham	
Violation Number Rule Cite(s)		
11.00.10(0)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.34	67(a)
	Failed to make available to a common carrier a valid, current TCEQ del certificate before accepting delivery of a regulated substance into the L	
Violation Description	Specifically, the Respondent received two fuel deliveries without a deliv	
	certificate.	
	Base	Penalty \$10,000
		-
>> Environmental, Proper	ty and Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 5%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0%	
	h a the an thurs which will are pould be avenued to includify and appoints of po	llutanto
Matrix which would n	 in or the enviornment will or could be exposed to insignificant amounts of po ot exceed levels that are protective of human health or environmental recep 	
Notes	result of the violation.	
Landar de la constant		
	Adjustment	\$9,500
		\$500
Violation Events		
Number of \	/iolation Events 2 Number of violation d	avs
	Commence of the commence of th	•
	dally <u>resource and the same an</u>	
	weekly distribute	
mark only one	monthly Violation Base	Penalty \$1,000
with an x	semiannual	
	annual	
	single event x	
	Two single events are recommended for accepting two fuel deliveries.	
		40
Good Faith Efforts to Com	ply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary Extraordinary	
	Ordinary	
	N/A X (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation S	Subtotal \$1,000
		-
Economic Benefit (EB) for	this violation Statutory Limit 1	rest
Estimate	ed EB Amount \$0 Violation Final Penal	ty Total \$1,385
	L	
	This violation Final Assessed Penalty (adjusted for	r limits) \$1,385

Media Violation No.	Petroleum Sto 2	rage Tank				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a	\$0
,				0.00		n/a l	\$0
Notes for DELAYED costs			Economic Benel		ded in violation no		30
Notes for DELAYED costs	ANNUAL			it inclu	ded in violation no	. 1.	
Notes for DELAYED costs Avoided Costs	FANNUAL			it includ	ded in violation no	. 1. for one-time avoid	
Notes for DELAYED costs	ANNUAL			it inclu	ded in violation no	. 1.	led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANNUAL			it includenterin	ded in violation no ig item (except i	. 1. For one-time avoid	led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANNUAL			enterin	ded in violation no ig item (except 1 \$0 \$0	. 1. For one-time avoid \$0 \$0	led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	ANNUAL			enterin 0.00 0.00 0.00	ded in violation no ag item (except 1 \$0 \$0 \$0	. 1. for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel personnel Spection/Reporting/Sampling Supplies/equipment	ANNUAL			enterin 0.00 0.00 0.00 0.00	ded in violation no ig item (except 1 \$0 \$0 \$0 \$0	. 1. for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			enterin 0.00 0.00 0.00 0.00	ded in violation no ng item (except i \$0 \$0 \$0 \$0 \$0 \$0 \$0	. 1. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Respondent, MUSEE VALLEY INTERNATIONAL INC dob Circle M Food Mart Scale ID No., 43713 Reg. Ent. Reference No. RN101530267 Media [Statute] Petroleum Storage Tank Enf. Coordinator Steven Van Lundingham Violation Number Violation Description Falled to provide proper corrosion protection for the UST system. Specifically, the yeather was not functioning. **Service Media (Statute) Percent Violation Description Falled to provide proper corrosion protection for the UST system. Specifically, the yeather was not functioning. **Service Media (Statute) Percent **Percent **OR** Release Major Moderate Minor Percent **OSS **Percent **OSS **Percent **OSS **Percent **OSS **Percent **OSS	Screening Date		PCW
Reg. Ent. Reference No. RN101530267 Media [Statute] Petroleum Storage Tank Enf. Coordinator Stevent Van Landingham Violation Number Rule Cite(s) Violation Description Failed to provide proper corresion protection for the UST system. Specifically, the rectifier was not functioning. **Separate Penalty** **Percent** **Percent*			
Media [Statute] Petroleum Storage Tank Enf. Coordinator Steven Van Landingham Violation Number 3 30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3473(d)			rew Revision October 30, 2000
Violation Number 3 30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26,3475(d)			
Violation Description Falled to provide proper corrosion protection for the UST system. Specifically, the rectifier was not functioning. Specifically Falled to provide proper corrosion protection for the UST system. Specifically, the rectifier was not functioning. Specifically		Steven Van Landingham	
Violation Description Failed to provide proper corrosion protection for the UST system. Specifically, the rectifier was not functioning.			
Sase Penalty S10,000		30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(c	1)
Sase Penalty S10,000			
Sase Penalty S10,000		Failed to provide proper corrosion protection for the UST system. Specifical	ly, the
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 25%	Violation Description		
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 25%			
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 25%			•
Number of Violation Events Number of Viol		Base P	enalty \$10,000
Number of Violation Events Number of Violation Events Summark only one with an x Seminanual annual single event Seminanual annual single event Sextraordinary One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Sextraordinary Ordinary Ord	>> Environmental, Proper	tv and Human Health Matrix	
Percent 25%		Harm	
>> Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. ### Adjustment \$7,500 ### \$7,500 ### Violation Events Number of Violation Events 1 7 Number of violation days ### Violation Base Penalty \$2,500 ### Violation Base Penalty \$2,500 ### One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. #### Good Faith Efforts to Comply	- L L	Major Moderate Minor	
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **S7,500* **Adjustment** **S7,500* **Violation Events** Number of Violation Events* **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Base Penalty** **S2,500* **Violation Base Penalty** **Violation Base Penalty** **S2,500* **One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. **Good Faith Efforts to Comply** **Ordinary** **Ordinary** **Ordinary** **Ordinary** **Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Subtotal** **S2,500** **Violation Subtotal** **Violation Final Penalty Total** **S2,500** **S2,		x Percent 25%	
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **S7,500* **Adjustment** **S7,500* **Violation Events** Number of Violation Events* **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Base Penalty** **S2,500* **Violation Base Penalty** **Violation Base Penalty** **S2,500* **One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. **Good Faith Efforts to Comply** **Ordinary** **Ordinary** **Ordinary** **Ordinary** **Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Subtotal** **S2,500** **Violation Subtotal** **Violation Final Penalty Total** **S2,500** **S2,	***************************************		
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **S7,500* **S2,500* **Violation Events** Number of Violation Events* Number of Violation Events* Number of Violation Events* **Number of Violation Base Penalty* **Semiannual annual single event ** One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. **Good Faith Efforts to Comply** Ordinary Ordinary N/A		Major Moderate Minor	
Notes that are protective of human health or environmental receptors as a result of the violation.	T districation		
Notes that are protective of human health or environmental receptors as a result of the violation.			
Notes that are protective of human health or environmental receptors as a result of the violation.	Matrix Human health	or the environment will or could be exposed to pollutants which would exceed	l levels
Violation Events Number of Violation Events 1 7 Number of violation days daily weekly weekly your annual annual single event One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Good Faith Efforts to Comply Extraordinary Ordinary N/A x ((mark with x)) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			
Violation Events Number of Violation Events 1 7 Number of violation days daily weekly weekly your annual annual single event One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Good Faith Efforts to Comply Extraordinary Ordinary N/A x ((mark with x)) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Estimated EB Amount \$132 Violation Final Penalty Total \$3,462	L. L		
Number of Violation Events Number of Violation Events 1		Adjustment	\$7,500
Number of Violation Events Number of Violation Events 1			\$2.500
Number of Violation Events 1 7 Number of violation days daily			1 72,300
Mark only one with an x Weekly monthly quarterly semiannual annual single event Wiolation Base Penalty \$2,500	Violation Events		
Mark only one with an x Weekly monthly quarterly semiannual annual single event Semiannual annual annual single event Semiannual annual single event Semiannual annual single event Semiannual annual annual single event Semiannual annual single event Semiannual annual annual annual annual single event Semiannual annual	Number of V	Violation Events 1 7 Number of violation day	/S
weekly monthly x quarterly semiannual annual single event One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Good Faith Efforts to Comply 0.0% Reduction 8efore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462		Limited Company of the Company of th	
mark only one with an x Comparison of the violation Base Penalty \$2,500			
Good Faith Efforts to Comply Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal Violation Base Penalty \$2,500 \$2,500 \$2,500 \$2,500 \$2,500 \$2,500 \$2,500 \$2,500 \$3,462			
Semiannual annual single event One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X ((mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			enalty \$2,500
One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462	With all X		
One monthly event is recommended based on documentation of the violation during the February 28, 2012 record review date to the March 6, 2012 screening date. Some of Paith Efforts to Comply		I and the second	
Good Faith Efforts to Comply D.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation \$3,462	·	Single event	
Good Faith Efforts to Comply D.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation \$3,462	One monthly	event is recommended based on documentation of the violation during the Feb	ruary T
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation \$132 Violation Final Penalty Total \$3,462	One monany		dary
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation \$132 Violation Final Penalty Total \$3,462	L		
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462	Good Faith Efforts to Comp	0.0% Reduction	\$0
Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462	-	Before NOV NOV to EDPRP/Settlement Offer	***************************************
Notes Notes The Respondent does not meet the good faith criteria for this violation.			
Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			
Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			
Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462		NOTACII	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$132 Violation Final Penalty Total \$3,462		Violation Su	htotal \$2,500
Estimated EB Amount \$132 Violation Final Penalty Total \$3,462			
	Economic Benefit (EB) for	this violation Statutory Limit Te	st
	Estimate	d EB Amount \$132 Violation Final Penalty	Total \$3,462
This violation Final Assessed Penalty (adjusted for limits) \$3,462		· ·	
		This violation Final Assessed Penalty (adjusted for li	mits) \$3,462

	43718						
eg. Ent. Reference No. Media Violation No.	Petroleum Sto					Percent Interest	Years of Depreciation
• • • • • • • • • • • • • • • • • • • •						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment	\$1,500	1-Jul-2011	2-Oct-2012	1.26	\$6	\$126	\$132
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		إحصنسك المستنسل		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs				tifier ar	nd test the corrosic	n/a on protection system nated date of compl	n. The date
Notes for DELAYED costs Avoided Costs	requ	ired is the investig	ation date and	tifier ar the fin enteri r	nd test the corrosic al date is the estir ng item (except	on protection system nated date of compl for one-time avoid	n. The date lance. led costs)
Notes for DELAYED costs Avoided Costs Disposal	requ	ired is the investig	ation date and	tifier ar the fin enterir 0.00	nd test the corrosic al date is the estir ng item (except \$0	on protection system nated date of compl for one-time avoid \$0	n. The date lance. led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	requ	ired is the investig	ation date and	tifier ar the fin enterir 0.00 0.00	nd test the corrosic al date is the estir ng item (except \$0 \$0	on protection system mated date of compl for one-time avoid \$0 \$0	n. The date lance. led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	requ	ired is the investig	ation date and	tifier ar the fin enterir 0.00 0.00	nd test the corrosic al date is the estir ig item (except 1	on protection system nated date of complete for one-time avoided to \$0 \$0 \$0 \$0	n. The date iance. led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	requ	ired is the investig	ation date and	tifier ar the fin enterir 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estir ng item (except - \$0 \$0 \$0 \$0	on protection system mated date of compl for one-time avoid \$0 \$0 \$0	n. The date lance. led costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	requ	ired is the investig	ation date and	enterir 0.00 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estir ng item (except \$0 \$0 \$0 \$0 \$0	on protection system mated date of complete for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	n. The date lance. So
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	requ	ired is the investig	ation date and	enterir 0.00 0.00 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estire so	on protection system nated date of comples for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n. The date lance. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	requ	ired is the investig	ation date and	enterir 0.00 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estir ng item (except \$0 \$0 \$0 \$0 \$0	on protection system mated date of complete for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	n. The date lance. So
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	requ	ired is the investig	ation date and	enterir 0.00 0.00 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estire so	on protection system nated date of comples for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n. The date lance. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	requ	ired is the investig	ation date and	enterir 0.00 0.00 0.00 0.00 0.00 0.00	nd test the corrosic al date is the estire so	on protection system nated date of comples for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n. The date lance. led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

•

Docket No. 2012-0535-PST-E PCW			ening Date		
TERNATIONAL INC dba Circle M Food Mart Policy Revision 2 (September 200	ERNATIONAL INC d		Respondent Case ID No.		
PCW Revision October 30, 200			ference No.		Ren I
- Tank	Tank	Petroleum Storag			reg. i
		Steven Van Land			
	,	4	ation Number	and the standard and a	
30 Tex. Admin. Code § 37.815(a) and (b)	30 Tex. Admin. C		Rule Cite(s)		
rate acceptable financial assurance for taking corrective action and	te acceptable finan	Failed to demons			
ng third parties for bodily injury and property damage caused by			n Description	Violatio	
releases arising from the operation of the petroleum USTs.	eleases arising from	accidenta			
Base Penalty \$10,00					
UANIN MARIO	Uaalth Matrix		ntal Deanar	iezuwa	∖ Emu
Health Matrix		ly and numa	iitai, Fruper	n Omne	. > EIIVI
Moderate Minor	oderate Minor	Major	Release		
Percent 0%			Actual Potential		OR
			rocentian		
			tic Matrix	ramma	>Prog
Moderate Minor Percent 10%	oderate Minor		Falsification		
Percent 10%		x ::::::::::::::::::::::::::::::::::::			
6 of the rule requirement was not met.	of the rule requiren	1009		Matrix Notes	
				110103	
Adjustment \$9,000					
Aujustinent \$3,000					
\$1,00					
			le .	n Even	ialatia
		_			
2 365 Number of violation days	2	iolation Events	Number of V		
	1	dally [F			
		daily weekly			
		monthly			
Violation Base Penalty \$2,00		quarterly	mark only one with an x		
		semiannual	W.C.I. 217 X		
		annual			
:::X	X	single event			
are recommended for the two USTs at the Facility.	re recommended fo	Two single event			
0.0% Reduction \$	0.0% Reduction	ilv T	orts to Comp	ith Eff	ood Fa
lefore NOV NOV to EDPRP/Settlement Offer	-20000000000000000000000000000000000000	000,000			******
		Extraordinary			
		Ordinary			
x (mark with x)	x (mark with	N/A			
e Respondent does not meet the good faith criteria for	Respondent does r	Notes			
this violation.	tl	Motes			
		<u>L</u>			
Violation Subtotal \$2,000					
Statutory Limit Test		this violation	fit (EB) for	ic Bene	conom
\$1,386 Violation Final Penalty Total \$2,770	\$1,38	d EB Amount	Estimate		
		· · · · ·			
This violation Final Assessed Penalty (adjusted for limits) \$2,770	inis violation Fin			555000000000000000	

	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.	4					5.0	Depreciation 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	\$ 55 85 8 55 8 86 87 8 5 8 5 8 7 8 7 8 7 8 7 8 8 5 8 5 8	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a l	\$0
Notes for DELAYED costs							
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enteri		for one-time avoid	ed costs)
Disposal				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Personnel							\$0
Personnel pection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0	
Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$1,320	28-Feb-2011	28-Feb-2012	1.00	\$66	\$1,320	\$1,386
Personnel pection/Reporting/Sampling Supplies/equipment	\$1,320	28-Feb-2011	28-Feb-2012				

	ening Date Respondent		Docket No. 2012-0535-PST-E ATIONAL INC dba Circle M Food Mart	PCW Policy Revision 2 (September 2002)
Reg. Ent. Re Medi Enf. (a [Statute]	RN101630267 Petroleum Storage Tank Steven Van Landingham		PCW Revision October 30, 2008
	Rule Cite(s)	<u> </u>	30 Tex. Admin. Code § 334.10(b)	
Violatio	n Description	Failed to maintain UST	records and make them immediately available for upon request by agency personnel.	inspection
				se Penalty \$10,000
>> Environme		rty and Human Hea Harn Major Modes	n	
OR	Release Actual Potential		ate Minor Percent 0%	7
>>Programma		<u> </u>	, c. sont <u>- 3 /</u>	
	Falsification	Major Modera	ate Minor Percent 10%	
Matrix				···
Matrix Notes		100% of th	ne rule requirement was not met.	
			Adjustment	\$9,000
				\$1,000
Violation Even	ts			
	Number of	Violation Events	7 Number of violation	days
	mark only one with an x	daily weekly monthly quarterly semiannual annual	Violation Bas	se Penalty \$1,000
		single event x		
		One sir	ngle event is recommended	
Good Faith Effe	orts to Com	Extraordinary Ordinary N/A X	.0% Reduction IOV NOV to EDPRP/Settlement Offer IOV NOW to EDPRP/Settlement Offer IOV NOW to EDPRP/Settlement Offer	\$0
		Notes The Res	pondent does not meet the good faith criteria for this violation.	
			Violation	Subtotal \$1,000
Economic Bene			Statutory Limi	
	Estimat	ed EB Amount	\$31 Violation Final Pen	-
		This	s violation Final Assessed Penalty (adjusted 1	or limits) \$1,385

	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.	5		madicine (selfoni Alexa			5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Jul-2011	2-Oct-2012	1.26	\$31	n/a	\$31
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	Estimated co	est to maintain US	T records. The	0.00	\$0 \$0		\$0 \$0
Permit Costs			the estima	0.00 0.00 date re	\$0 \$0 quired is the inves e of compliance.	n/a n/a	\$0 \$0 e final date is
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs			the estima	0.00 0.00 date reated date	\$0 \$0 quired is the inves e of compliance. ng item (except i	n/a n/a stigation date and th for one-time avoid	\$0 \$0 e final date is
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel			the estima	date reated date	\$0 \$0 quired is the investe of compliance. ng item (except 1 \$0	n/a n/a stigation date and th for one-time avoid \$0	\$0 \$0 e final date is led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel			the estima	0.00 0.00 date reated date entering 0.00 0.00	\$0 \$0 quired is the investe of compliance. ag item (except in \$0 \$0	n/a n/a stigation date and th for one-time avoid \$0 \$0	\$0 \$0 e final date is led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling			the estima	date rested date r	\$0 \$0 quired is the investe of compliance. ng item (except is 0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a stigation date and th for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 e final date is led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment			the estima	0.00 date reated date entering 0.00 0.00 0.00	\$0 \$0 quired is the investe of compliance. In the importance of the invested	n/a n/a n/a stigation date and th for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 e final date is led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			the estima	0.00 0.00 date rested date enterin 0.00 0.00 0.00 0.00	\$0 \$0 quired is the investe of compliance. ng item (except is 0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a stigation date and th for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 e final date is led costs) \$0 \$0 \$0 \$0

		Com	ipiiance	History F	Report		
Customer/Resp	ondent/Owner-Operator:	CN603492398	-	'ALLEY INTERNAT	-	Classification: AVERAGE	Rating: 26.67
Regulated Entity	r.	RN101630267	CIRCLE I	M FOOD MART		Classification: AVERAGE	Site Rating: 26.67
ID Number(s):		PETROLEUM S REGISTRATIO		NK	REGISTR	ATION	10466
Location:		3401 SAINT FRA	ANCIS AVEN	UE, DALLAS, TX,	75228		
TCEQ Region:		REGION 04 - DF	-W METROPI	_EX			
Date Compliano	e History Prepared:	March 07, 2012					
Agency Decision	n Requiring Compliance History:	Enforcement					
Compliance Per	iod:	March 07, 2007	to March 07, 2	2012			
TCEQ Staff Mer	nber to Contact for Additional Info	rmation Regarding	this Complian	ice History			
Name:	Steven Van Landingham	PI	hone:	(512) 239-5717			
2. Has there bee	een in existence and/or operation en a (known) change in ownership s the current owner/operator?	for the full five yea	e during the c	•	YES	YES	
4. If YES, who	was/were the prior owner(s)/opera	ator(s)?	Al Banna and	d Al Banna Enterpr	ise, Inc.,		
5. If YES, when	n did the change(s) in owner or op	erator occur?	4/1/2008				
6. Rating Date	: 9/1/2011 Repeat Violator:	NO					
Components	(Multimedia) for the Site :						
A. Final	Enforcement Orders, court judgm	ents, and consent	decrees of the	State of Texas an	d the federal	government.	
	Effective Date: 12/25/2010		ADMI	NORDER 2010-1	045-PST-E		
	Classification: Major	445 0 505		15(0)			
	Oitation.	napter 115, SubCha Chapter 382 382.08	•	10(2)			
	Description: Failure to	•	` '	ge II equipment at	least once ev	ery twelve months or	

upon major system replacement or modification. The verification shall include all functional tests that were required for the initial system test, except for TXP-101, Determination of Vapor Space Manifolding of Vapor Recovery Systems, and TXP-103, Determination of Dynamic Pressure Performance (Dynamic Back-Pressure) of

Vapor Recovery Systems, which must be performed at least once every 36 months.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

1 07/22/2008

(685869)

2 05/25/2010

(824444)

3 02/28/2012

(941671)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
MUREE VALLEY	§	TEXAS COMMISSION ON
INTERNATIONAL INC DBA	§	
CIRCLE M FOOD MART	§	
RN101630267	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-0535-PST-E

I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent operates a convenience store with retail sales of gasoline at 3401 Saint Francis Avenue in Dallas, Dallas County, Texas (the "Facility").
- 2. The Respondent's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Ten Thousand Three Hundred Eighty-Six Dollars (\$10,386) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Two Hundred Fifty-Nine Dollars (\$259) of the administrative penalty and Two Thousand Seventy-Seven Dollars (\$2,077) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Fifty Dollars (\$8,050) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Thirty Dollars (\$230) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Facility, the Respondent is alleged to have:

1. Failed to renew a delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on July 1, 2011 and a record review conducted on February 28, 2012. Specifically, the delivery certificate expired on May 31, 2011.

- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on July 1, 2011 and a record review conducted on February 28, 2012. Specifically, the Respondent received two fuel deliveries without a delivery certificate.
- 3. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on July 1, 2011 and a record review conducted on February 28, 2012. Specifically, the rectifier was not functioning.
- 4. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs, in violation of 30 Tex. Admin. Code § 37.815(a) and (b), as documented during an investigation conducted on July 1, 2011 and a record review conducted on February 28, 2012.
- 5. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on July 1, 2011 and a record review conducted on February 28, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart, Docket No. 2012-0535-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:

i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 Tex. Admin. Code § 334.8 to:

Registration and Reporting Section Permitting & Registration Support Division, MC 129 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- ii. Begin maintaining all UST records and ensure that they are made immediately available upon request by agency personnel, in accordance with 30 Tex. ADMIN. CODE § 334.10.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Repair or replace the rectifier system and test the corrosion protection system, in accordance with 30 Tex. ADMIN. CODE § 334.49; and
 - ii. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs, in accordance with 30 Tex. ADMIN. CODE § 37.815.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart DOCKET NO. 2012-0535-PST-E Page 5

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart DOCKET NO. 2012-0535-PST-E Page 6

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart DOCKET NO. 2012-0535-PST-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Commission	9/21/12 02
For the Executive Director	Date Date
agree to the attached Agreed Order on behalf	nd the attached Agreed Order. I am authorized to f of the entity indicated below my signature, and in d therein. I further acknowledge that the TCEQ, in materially relying on such representation.
 and/or failure to timely pay the penalty amou A negative impact on compliance histo Greater scrutiny of any permit applicat Referral of this case to the Attorney additional penalties, and/or attorney for any future enfort Automatic referral to the Attorney Go and TCEQ seeking other relief as authorize 	ory; tions submitted; General's Office for contempt, injunctive relief ees, or to a collection agency; cement actions; eneral's Office of any future enforcement actions
Signature Shart	06/101/1/2012 Date
Name (Printed or typed) Authorized Representative of MUREE VALLEY INTERNATIONAL INC dba	Title Circle M Food Mart
Instructions: Send the original, signed Agreed Oro Division, Revenues Section at the address in Section IV,	der with penalty payment to the Financial Administration Paragraph 1 of this Agreed Order.